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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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O.T.S. LOGISTICS, INC.,

ORDER

09-CV-1406 (NGG) (CLP)

Plaintiff,

-against-

MAESTRI PASTAI, INC.,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

On November 10, 2009, this court determined that default judgment should be entered against Defendant. The court referred the matter to Magistrate Judge Cheryl Pollak for an inquest on damages. (See Order dated Nov. 10, 2009 (Docket Entry # 18).) Following her inquest, Judge Pollak issued a Report and Recommendation ("R&R") recommending that Plaintiff be awarded \$83,101.08 in damages for Defendant's breach of contract, plus \$1,280.44 in pre-judgment interest for the period running from May 18, 2009 until December 31, 2009, an additional amount of interest accruing until the entry of judgment, \$885.20 in costs, and post-judgment interest in accordance with 28 U.S.C. § 1961. (See R&R (Docket Entry # 27).)

No party has objected to Judge Pollak's R&R; and the time for doing so has now passed. See Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Pollak's thoroughly reasoned R&R, the court adopts it in its entirety. The Clerk of Court is directed to enter judgment in accordance with Judge Pollak's R&R. The court orders that Defendant's olive-oil cargo, currently attached by Plaintiff pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (see Docket Entry # 5), be sold and that Plaintiff keep the proceeds to

satisfy his judgment, in whole or in part. Plaintiff is directed to remit any proceeds in excess of the judgment amount to Defendant.

SO ORDERED.

Dated: Brooklyn, New York
March 3, 2010

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge